

## **RESPONSE TO RESTRICTION REQUIREMENT**

### **Summary of the Restriction**

In the Office Action, the Examiner alleges that the application contains claims to the following two patentably distinct species, namely:

- A. Figs 1-3 (Network control system); and
- B. Figs 4-6 (Locomotive control system)

The Applicant respectfully disagrees with the Examiner that Figures 1-3 and Figures 4-6 are related to two distinct species. As indicated in the “Brief Description of the Drawings” section of the present application, Figures 1-2 relate respectively to a remote control system for locomotives and to the remote control unit/locomotive entity pair suitable for use with the remote control system for locomotives of Figure 1. In addition, Figures 3 and 4 relate to a remote control system comprising different components that are capable of assigning time intervals. Figures 5a and 5b simply show a division of time intervals within a TDMA frame. Finally, Figure 6 shows a computing unit for assigning time intervals to communication entities in a communication system. In light of the above, the Applicant is confused as to how the Examiner arrived at Figures 1-3 being related to a Network control system and Figures 4-6 being related to a Locomotive control system.

Furthermore, the Applicant respectfully disagrees that Figures 1-3 are related to a network control system, as alleged by the Examiner.

However, in order to be responsive to the Examiner's Restriction Requirement, and in the interest of moving the present case forward, the Applicant elects to prosecute claims 1-14, 22, 23 and 25, with traverse.



independent claim 15 is directed to a network entity suitable for use in a locomotive remote control system and independent claim 24 is directed to a method of assigning time intervals in a TDMA frame to communication entities in a locomotive remote control system. None of these claims are directed towards a Network control system. However, all of these claims are directed towards different features of a locomotive remote control system. As such, the claims of the present application are not patentably distinct.

Consequently, the Applicant respectfully submits that the restriction requirement for the claims of the present application was improper and erroneous.

For the above stated reasons, the Applicant respectfully submits that claims 15-21 and 24 are not distinct over claims 1-14, 22, 23 and 25 and should be included in the examination of this application.

In addition, the Examiner has failed to establish that a search of the complete application would be an undue burden as required by MPEP 803. MPEP 803 states: “(i)f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.” It is Applicants’ position that the Examiner has failed to establish that a search of the entire application constitutes an undue burden. Therefore, it is respectfully requested that the entire application be searched and examined.

